

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1, 2, 4 and 5 have been amended. Claim 3 has been cancelled.

Rejection of Claims 1, 2, 4 and 5 Under 35 U.S.C. 112, First Paragraph

The Examiner has rejected claims 1, 2, 4 and 5 under Section 112, first paragraph. More specifically, the Examiner contends that the specification, while being enabling for an isolated nucleic acid of SEQ ID NO:25 encoding SEQ ID NO:26, does not reasonably provide enablement for any isolated nucleic acid encoding a desaturase that has at least 90% sequence identity to SEQ ID NO:25.

In response, Applicants respectfully traverse the rejection of claims 1, 2, 4 and 5 under Section 112, first paragraph. In particular, as noted previously, the specification teaches sequences beyond SEQ ID NO:25 which would enable one of ordinary skill in the art to practice the claimed invention without undue experimentation. For example, as noted in the argument presented directly above, Figure 5 discloses the amino acid sequence of a *C. elegans* delta 17-desaturase from which the nucleotide sequence(s) may be deduced. Additionally, one of ordinary skill in the art could readily determine if a nucleotide sequence falls within the scope of the claim of interest by taking the sequence in question and comparing it to SEQ ID NO:25 in order to generate a percent identity. Thus, despite the above amendments to the claims which were undertaken in order to expedite allowance, it is submitted that the amended claims also include functional equivalents of the nucleotide and amino acid sequences recited therein and referred to by

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sequence identifier numbers (i.e., SEQ ID NO:25 and SEQ ID NO:26, respectively). In particular, such functional equivalents include those sequences which do not have 100% identity to the recited sequences yet have the same functional activity as the recited sequences.


In view of the above, it is submitted that the Section 112, first paragraph rejection of claims 1, 2, 4 and 5 has been overcome and should be withdrawn accordingly.

In conclusion, it is believed that the subject application is in condition of allowance and Notice to that effect is respectfully requested.

Should the Examiner have any questions concerning this matter, she is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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